

HIRING RETIRED ANNUITANTS

1024

(No. 108 February 2006)

It is the department's policy to utilize the special skills and knowledge of retired State employees. The appointment of retired annuitants is at the discretion of the department, and hiring procedures will conform to the State of California rules governing civil service employment. This section outlines the policy and process for making retired annuitant appointments.

REFERENCE

1024.1

(No. 108 February 2006)

Government Code Sections 19144; 21220-21229

POLICY

1024.2

(No. 108 February 2006)

Retired annuitants may be employed for special projects and short-term assignments and paid from the 904 Temporary Help Blanket. A vacant position may also be filled temporarily with a retired annuitant only after recruitment efforts to fill the vacancy permanently via a list appointment, transfer, or Training and Development assignment have failed. A retired annuitant may be placed in the vacant position for a period not to exceed three months of full-time work (or 480 hours) while the unit or program continues to recruit to fill the position permanently. If hiring and recruitment efforts continue to fail, an extension of up to three additional months (not exceeding 960 hours in a calendar year) may be granted. **(Effective January 01, 2006, AB 1166 changed this requirement from 960 hours in a calendar year to 960 hours in a fiscal year).**

Retired State civil service employees may be employed temporarily in a position that is either: (a) in the classification in which the person had permanent or probationary status or a Career Executive Assignment (C.E.A.) appointment at the time of retirement; or (b) in another class to which the person could have been permanently transferred, reinstated, or demoted at the time of retirement. The classification of appointment is determined by the duties to be performed. Retired employees may work no more than 960 hours in a calendar year.

A retiree may work for the Department without reinstatement as a temporary employee with certain restrictions, or if the position is specifically exempt from restrictions by CalPERS law. A retiree must reinstate from retirement before going back to work in a permanent capacity with an employer covered under CalPERS. Employment found to be in violation of CalPERS law (unlawful employment), may result in the retiree's mandatory reinstatement from retirement. If the retiree is employed in a permanent full-time or permanent part-time capacity with a State agency or other CalPERS employer before applying to CalPERS for voluntary reinstatement, the retiree may be subject to mandatory reinstatement retroactive to the date the unlawful employment began. If so

reinstated, the retiree will be required to reimburse CalPERS the amount of retirement allowance received during the period of unlawful employment. In addition, the retiree will be required to pay the retroactive CalPERS member contributions plus interest equal to the amount of contributions that would have been paid had the reinstatement occurred timely. The retiree may also be assessed for any administrative expenses incurred in processing the mandatory reinstatement, to the extent the retiree is determined to be at fault. Likewise, the CalPERS employer will be required to pay retroactive employer contributions plus interest equal to the amount of employer contributions that would have been paid had the reinstatement occurred timely. The employer may also be assessed for any administrative expenses incurred in processing the mandatory reinstatement, to the extent the employer is determined to be at fault.

To be hired as a retired annuitant, the retiree must have attained normal retirement age, which is defined as the member's benefit retirement age. For example, the normal retirement age for a member with the 2% at 55 benefit formula would be age 55. If the member has not reached normal retirement age, there must be a 60-day separation in service prior to returning to employment as a retired annuitant and there must be no agreement (either verbal or written) between the member and the employer to return to employment prior to the member's retirement. Internal Revenue Service (IRS) rules prohibit the distribution of benefits to a retiree who returns to employment as a retired annuitant prior to attaining the plan's normal retirement age unless the retiree had a bona fide separation in service.

In addition, a retiree must not have received unemployment insurance based on prior State employment as a retired annuitant during the 12-month period preceding the latest retired annuitant appointment. This applies only to subsequent retired annuitant hires and not the first time an employee is appointed as a State retired annuitant. Unemployment insurance received as the result of employment with a private employer, or a public employer who does not provide retirement benefits under CalPERS, is exempt from this requirement.

The retiree must complete the [Retired Annuitant Self Certification Form \(DPA 715\)](#) and the [Authorization for Release of Unemployment Insurance Records for Retired Annuitant \(DE 1181\)](#), and the hiring unit must include this information with the Request for Personnel Action (PO-200) package. The latter form is sent to the Employment Development Department (EDD) for processing by the appropriate Personnel Specialist when it is received from the retiree. Processing of the DE 1181 typically takes 10-30 days but should not delay either the approval of a PO-200 or the hiring of a retired annuitant. If the PO-200 package is approved, a retired annuitant who certifies on DPA Form 715 that he or she has not received unemployment insurance payments may begin working while the DE 1181 is being processed. If it is determined that the retired annuitant has received unemployment insurance based on prior State employment as a retired annuitant, the employee must be separated at the end of the pay period. This person will be ineligible to return to work with the State for 12 months.

Retired employees are not guaranteed the right of a retired annuitant appointment. The selection and appointment will be based on the needs of the department and the qualifications of the retired employee. A retired annuitant's salary will be commensurate with the duties to be performed, but will be no higher than the salary the employee received upon retirement. Retired annuitants shall have signature authority as specifically delegated by the department.

Retired annuitants are considered State employees and cannot work for the State in any other capacity, such as a consultant, expert witness, Volunteer in Prevention (VIP), or emergency worker. This applies even if the retired annuitant is not currently working, but has not been separated from the retired annuitant appointment. During the hiring process, retired annuitants will be required to complete the [Departmental Incompatible Activities Statement \(PO-155\)](#) form, which sets forth the minimum ethical standards to be followed by all officers and employees by prohibiting activities that might result in using a public office or employment for private gain or the giving of favored treatment to any organization or person. In addition, a retired annuitant appointed to a position that has been designated in the Department's Conflict-of-Interest Code will be required to complete the [Statement of Economic Interests \(FPPC Form 700\)](#) to disclose certain personal financial interests.

The Human Resources Office will maintain a database of retired CAL FIRE employees to be considered for special projects or short-term assignments.

PROCEDURES

1024.3

(No. 108 February 2006)

The first step in hiring a retired annuitant occurs when a unit or program manager or supervisor determines that the expertise or skill of a retired annuitant may be needed. Retired annuitant appointments are appropriate when staff is needed to perform a special assignment, work on a special project, fill a vacancy, or to assist during periods of exceptional workload. Unit or program managers or supervisors should contact their appropriate administrative officer if assistance is needed in determining whether a retired annuitant is appropriate for a particular assignment or project. Unit administrative officers will work with the appropriate Region Personnel Office, and Headquarters administrative officers will work with the appropriate Human Resources Classification and Pay Analyst to make this determination.

Appointment Process – Regions/Units

In the field, the hiring supervisor prepares and submits a [Request for Personnel Action \(PO-200\)](#) package to his or her unit administrative officer, who reviews the package to make sure that all required documents are attached and that the PO-200 is accurately completed. The administrative officer will then forward the package to the appropriate Northern or Southern Region Personnel Office. All supervisory positions and above must be reviewed and approved by the appropriate Region Chief as well as the program Deputy Director. All retired annuitant PO-200 packages must be submitted by the

Region Personnel Office to the Headquarters Human Resources Office for final review and approval **before** the retired annuitant begins working.

Appointment Process – Headquarters

In Headquarters, the hiring supervisor prepares and submits a [Request for Personnel Action \(PO-200\)](#) package to his or her administrative officer, who reviews the package to make sure that all required documents are attached and that the PO-200 is accurately completed. The administrative officer will then forward the package to the Headquarters Human Resources Office. All supervisory positions and above must be reviewed and approved by the appropriate program Deputy Director. All retired annuitant PO-200 packages must be submitted to the Headquarters Human Resources Office for final review and approval **before** the retired annuitant begins working.

The PO-200 package must include the following documents:

- Request for Personnel Action (PO-200);
- [Position Duty Statement \(PO-199\)](#) with essential functions identified;
- Organizational chart reflecting the retired annuitant's placement within the Unit or program;
- [Justification to Hire Retired Annuitant \(PO-210\)](#);
- [Retired Annuitant Statement of Interest \(PO-209\)](#);
- [Retired Annuitant Self Certification Form \(DPA 715\)](#); and
- [Authorization for Release of Unemployment Insurance Records for Retired Annuitant \(DE 1181\)](#).

Retired Annuitant Selection Process

The Headquarters Human Resources Office has developed a retired annuitant database to track retired employees who are interested in returning to work with the department. Unit administrative officers may contact the appropriate Region Personnel Office, and Headquarters administrative officers may contact the appropriate Headquarters Human Resources' Classification and Pay Analyst, for a listing of available retired annuitants. A report will be generated for the administrative officer that matches the retired annuitant's information with the classification to be filled and will provide additional information such as the amount of hours the retired annuitant is available to work and any special skills or credentials the retired annuitant possesses. The appropriate Region Personnel Office or Headquarters Human Resources Office must be notified when a hire is made so the database can be updated.

Additional Requirements for Safety/Fire Suppression Classifications

Most appointments of retired annuitants to civil service classifications will have specific duties which do not include the wearing of a tight fitting respirator. If the duties do include any possibility of the wearing of a tight fitting respirator, then the prospective candidate will be subject to the provision of the California Code of Regulations, Title 8 (General Industry Safety Orders), section 5144 and the provisions of Health and Safety Handbook section 1823, et al.

Any questions regarding the appointment of retired annuitants should be directed to the appropriate Region or to the Headquarters Human Resources Office.

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[\(see Forms or Form Samples\)](#)